

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   ) Case No. 2:99CR10052  
                                  )  
v.                             )  
                                  )  
                                  )  
                                  )  
IRA STANFORD MULLINS JR., ) ORDER  
                                  )  
Defendant.                   ) By: James P. Jones  
                                  )  
                                  )  
                                  )

For the reasons set forth in the Opinion accompanying this Order, it is  
**ORDERED** as follows:

1. The defendant's pleading (Dkt. No. 54) is construed as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255;
2. The clerk shall reclassify the pleading as a § 2255 motion and process it accordingly; and
3. The said Motion is **DENIED** without prejudice as successive and is stricken from the active docket of the court.

ENTER: September 1, 2008

/s/ JAMES P. JONES  
Chief United States District Judge